IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 11998 of 2007(C)

PETITIONER:

JOJI GEORGE, MANAGING PARTNER,
M/S.GEO AUTOMOBILES, KOZHENCHERRY ROAD,
PATHANAMTHITTA.

BY ADV. SRI.S.SANTHOSH KUMAR
SRI.C.ARUN

RESPONDENTS:
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1. THE DISTRICT SUPERINTENDENT OF POLICE,
KOTTAYAM.

2. THE CIECLE INSPECTOR OF POLICE,
KANJIRAPPALLY.

3. PRABHA SABU, NELLIMALAYIL,
CHITTADI P.O., MUNDAKKAYAM, KOTTAYAM.

BY GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.11998 OF 2007 ()

Dated this the 12th day of April, 2007

J U D G M E N T

KOSHY,J.

This is a petition alleging police harassment. According to the petitioner police is compelling the petitioner to withdraw 138 complaint filed against the 3rd respondent. Govt.Pleader submitted that 3rd respondent purchased an autorickshaw from the petitioner. Even though autorickshaw was delivered R.C. Book and other documents were not given and only for investigation petitioner was called to the police station. Police shall not compel the petitioner to withdraw a 138 complaint. At the same time petitioner is also bound to cooperate with the investigation. Whether petitioner has handed over the R.C.Book to the 3rd respondent or whether amount paid etc. were not the subject matter of this case. Recording the submission that investigation should be according to law and petitioner is also bound to cooperate with the investigation and

at the same time police shall not compel the petitioner to withdraw a 138 complaint this writ petition is disposed of. If the R.C. Book is with the petitioner, petitioner is bound to handover the R.C.Book to the 3rd respondent. According to the petitioner R.C.Book is with the Circle Inspector of Police. If that be so and police also lost the same, 3rd respondent can apply for a duplicate R.C.Book by producing a copy of this judgment. If the petitioner is called to the police station for enquiry, written summons should be issued and time and date of appearance also to be mentioned in the summons and assistance of an advocate also should be allowed.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007